

**REMARKS**

Prior to the present amendment, claims 1-14, 30 and 32-36 were pending and claims 15-29 and 31 were withdrawn by the examiner as being directed to non-elected inventions. By this amendment, claims 1, 2, and 7 have been amended and claims 3, 4, and 32 have been cancelled. Accordingly, claims 1, 2, 5-14, 30, and 33-36 are currently pending.

In the Office Action, claim 4 was objected to for an informal reason. Applicants have cancelled claim 4. Accordingly, the objection is moot and should be withdrawn.

Claims 1-14, 30 and 32-36 were rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite for various reasons which are discussed below. With regard to claim 1, the examiner contends that the Markush group is confusing because the word “and” is not included prior to the last member of the group. Applicants have amended claim 1 by removing the Markush group.

With respect to claims 2, 3 and 32, the examiner alleges that these claims are indefinite for reciting the phrase “essentially corresponding to.” Applicants have cancelled claims 3 and 32, and amended claim 2 so that it no longer contains the phrase “essentially corresponding to.”

Accordingly, the rejection of claims 1-14, 30 and 32-36 under 35 U.S.C. §112, allegedly for being indefinite is now moot and should be withdrawn.

Claims 1-3, 5-14, 30, and 33-36 were rejected under 35 U.S.C. §112, first paragraph allegedly for lack of enablement. The examiner states on page 4 of the office action that the specification is enabled for “the human chitinases of SEQ. ID. NOS: 4 or 6 or chitinases encoded by nucleic acids which will hybridize to the nucleic acids of SEQ. ID. NOS: 3 or 5 under specific highly stringent conditions.”

Applicants have amended claim 1 to include the chitinases which the examiner has deemed enabled and the specific hybridization condition. Support for the specific hybridization condition recited in claim 1 can be found in the specification as originally filed, e.g., page 28, lines 11-16.

Accordingly, the rejection of claims 1-3, 5-14, 30, and 33-36 under 35 U.S.C. §112 allegedly for lack of enablement should be withdrawn.

Claim 7 was rejected under 35 U.S.C. §112, first paragraph allegedly for lack of written description. The examiner states that this rejection is explained in the previous office action. In the previous action, the examiner contended that, at the time of filing the instant application, there were no known human  $\beta$ -1,3-glucanases or any showing of  $\beta$ -1,3-glucanase activity in any human cell line or tissue sample.

Applicants have amended claim 7 by deleting the word "human" from the claim. Accordingly, the rejection of claim 7 under 35 U.S.C. §112 is now moot and should be withdrawn.

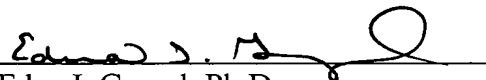
Applicants wish to emphasize that the above amendments are not to be construed as an admission by applicants of the examiner's allegations that the claims are indefinite, lack enablement or lack written description. Rather, the amendments have been made in order to expedite allowance of the pending claims.

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In view of the above amendments and remarks, allowance of the pending claims is earnestly requested. If the examiner has any questions regarding this amendment, the examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted.

  
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